

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13  
NICHOLETTE MCCLINTON HARRIS :  
fka Nicholette McClinton Harris-Reid, :  
Debtor :  
NICHOLETTE MCCLINTON HARRIS :  
fka Nicholette McClinton Harris-Reid, :  
Movant :  
v. :  
DISCOVER BANK BY ITS AGENT :  
DISCOVER FINANCIAL SERVICES, :  
INC., :  
Respondent :

MOTION TO AVOID LIEN OF RESPONDENT  
UNDER SECTION 522(f) OF THE BANKRUPTCY CODE

COMES NOW the Debtor, by and through Dorothy L. Mott, Esquire and makes this Motion respectfully stating in support thereof:

1. The Debtor filed a Chapter 13 Petition on November 4, 2016.
2. The Debtor is an adult individual residing at 162 N 2nd Street Steelton, PA 17113.
3. Respondent maintains a mailing address of 6500 NEW ALBANY ROAD, NEW ALBANY, OH 43054.
4. The Respondent holds a judicial lien against the Debtor in the amount of \$3,911.11 entered in Dauphin County at docket number # 2004 NT 3704.
5. The Debtor has listed all property the Debtor owns on the Bankruptcy schedules.
6. All property listed by the Debtor has been exempted as follows:

Asset	Value	Lien	Exemption	Equity
162 N 2nd St, Steelton, PA 17113	\$65,000.00	\$61,557.00	11 U.S.C. § 522(d)(1)	\$3,443.00

7. No one has challenged either the value of the property or the exemption claimed.

8. The Respondent does not have a purchase money security interest in household goods, or a possessory interest.
9. The judgment of the Respondent impairs the exemption of the Debtor under Section 522(d) of the Bankruptcy Code. The judgment is a judicial lien.
10. The Debtor seeks under Section 522(f) of the Bankruptcy Code to avoid the judgment of the Respondent.

WHEREFORE, the Debtor respectfully requests that this Court enter an Order avoiding the aforesaid judgment under Section 522(f) of the Bankruptcy Code and granting such other relief as this Court deems just.

Respectfully submitted,

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire  
Attorney ID#43568  
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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 13
<b>NICHOLETTE MCCLINTON HARRIS</b>	:	
<b>fka Nicholette McClinton Harris-Reid,</b>	:	<b>CASE NO. 1:16-bk-04552</b>
<b>Debtor</b>	:	
 	:	
<b>NICHOLETTE MCCLINTON HARRIS</b>	:	
<b>fka Nicholette McClinton Harris-Reid,</b>	:	
<b>Movant</b>	:	
 	:	
 	:	
<b>v.</b>	:	
 	:	
 	:	
<b>DISCOVER BANK BY ITS AGENT</b>	:	
<b>DISCOVER FINANCIAL SERVICES,</b>	:	
<b>INC.,</b>	:	
<b>Respondent</b>	:	

**ORDER**

UPON consideration of the foregoing Motion to Avoid Judgment of Respondent under Section 522(f) of the Bankruptcy Code , it is hereby

ORDERED AND DECREED that the relief prayed for in the Motion be, and hereby is granted, to wit, the judgment of Discover Bank in the approximate amount of \$3,911.11 entered in Dauphin County at docket number # 2004 NT 3704 be and hereby is avoided; it is further

ORDERED AND DECREED that a certified copy of this Order may be filed with the Prothonotary of Dauphin County and the Prothonotary is directed to terminate the judgment in the judgment indices.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13  
NICHOLETTE MCCLINTON HARRIS :  
fka Nicholette McClinton Harris-Reid, : CASE NO. 1:16-bk-04552  
Debtor :  
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NICHOLETTE MCCLINTON HARRIS :  
fka Nicholette McClinton Harris-Reid, :  
Movant :  
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v. :  
:  
DISCOVER BANK BY ITS AGENT :  
DISCOVER FINANCIAL SERVICES, :  
INC., :  
Respondent :  
:

**CERTIFICATE OF SERVICE**

I, Dorothy L. Mott, hereby certify that on March 17, 2021, I served a copy of the notice and Motion to Avoid Lien electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows:

CHARLES J DEHART, III ESQUIRE Esquire, Trustee ( via ECF)

DISCOVER BANK by its agent  
DISCOVER FINANCIAL SERVICES INC  
ATT PRESIDENT  
6500 NEW ALBANY ROAD  
NEW ALBANY, OH 43054

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire  
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doriemott@aol.com

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Chapter:13

Nicholette McClinton Harris  
fka Nicholette McClinton Harris-Reid  
Debtor

Case number:1:16-bk-04552  
Matter: Motion to Avoid Lien

Nicholette McClinton Harris  
fka Nicholette McClinton Harris-Reid  
Movant

vs,

DISCOVER BANK BY ITS AGENT  
DISCOVER FINANCIAL SERVICES, INC.  
Respondent

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**Notice**

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**NOTICE OF OPPORTUNITY TO OBJECT AND HEARING:** Pursuant to Local Rule 2002-1(a), the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection/response within twenty-one (21) days of the date of the notice. If you object to the relief requested, you must file your objection/response with the Clerk, U. S. Bankruptcy Court, 228 Walnut Street, Room 320, Harrisburg PA 17101 and serve a copy on the movant and movant's attorney, if one is designated.

If you file and serve an objection/response within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

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Date: March 17, 2021

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